

PFE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431



SEMS DocID 2261395

Charles Walters
HHS/ATSDR
USEPA Region III, HWMD (3HW01)
841 Chestnut Street
Philadelphia, PA 19107

Re: ATSDR Petitioned Public Health Assessment
Shaffer Electric Site, Minden,
Fayette County, West Virginia

Dear Mr. Walters:

On June 1, 1993, the Agency for Toxic Substances and Disease Registry (ATSDR) published its Petitioned Public Health Assessment (Health Assessment) on the Shaffer Electric Site (the "Site"), Minden, Fayette County, West Virginia. The ATSDR concluded that the "Site poses a public health hazard because of the on-site risk to human health resulting from possible exposure to hazardous substances [PCBs] at concentrations that may result in adverse health effects." ATSDR also reports that it is unable to determine whether the Site poses any public health threat to the general off-site population, citing the need for additional PCB data. Thus the Health Assessment states that the Site is an "indeterminate" hazard for the general off-site population.

In response, EPA has always acknowledged that residual PCB contamination remains at the Site. However, EPA's removal action, by design, instituted a number of activities (e.g. excavation, soil cover and fencing) to prevent any direct human contact with, or exposure to, remaining on-site contaminants. A 6 foot chain link fence was installed across the access road, just west of the existing building, from the Arbuckle Creek on the north end to the hillside on the south end. The fence was installed to restrict access to the Site. It was EPA's prior opinion that the fencing, in combination with the additional Site actions, was sufficient to restrict access to the Site and protect the public from exposure to hazardous substances and from any potential adverse health effects. It remains EPA's opinion that the site does not present a health hazard to the off-site population.

ATSDR's Health Assessment expressed concerns over the Site access issue due to the fact that the existing fence does not completely surround the Site perimeter. In recognition of the concerns expressed in the Health Assessment, EPA proposes to further evaluate the site and the related site access issue. To address site access concerns, EPA anticipates the need to

PFE

perform additional sampling in order to provide sufficient information to determine if additional action is required.

EPA will not make any decision or initiate any action on the Site access or sampling plan issues prior to consultation with ATSDR or The West Virginia Department of Environmental Protection (WV-DEP). (In this regard, EPA has compiled all of the analytical data in the Site file and organized the data in table format. The data has been plotted on site maps, which have been drawn to scale. All areas of excavation have been charted and mapped, identifying pre and post analytical data. All of this information is attached.) As part of this proposed course of action, EPA will include in its review the sample data collected by the concerned citizen group, which previously has been submitted to the Agency. EPA will also consider any comments or suggestions that state and local government agencies and/or concerned citizens might wish to submit.

To ensure that all relevant concerns are addressed, EPA is asking that ATSDR and all other interested parties review the attached maps and charts and thereafter provide any facts, data or other information that may aid EPA in its review. Please submit your responses, by August 27, 1993, to:

Stephen D. Jarvela, OSC
Superfund Removal Branch (3HW30)
EPA Region III
841 Chestnut Street
Philadelphia, PA 19170

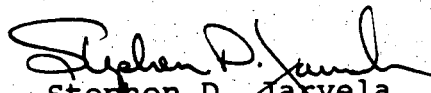
EPA will review the existing, as well as any newly submitted, data and information and then prepare a draft sampling plan. The sampling plan will identify the locations, depth, and method(s) of any additional sampling that may be required. The purpose of the sampling plan is to assure that the analytical data obtained provides a complete and thorough examination of the on-site health risk and site access issue. The draft sampling plan will be distributed, for review and comment, to ATSDR, the WV-DEP, potentially responsible parties, the Concerned Citizens to Save Fayette County, Inc., and to State and local officials. Comments to EPA's proposed sampling plan will be addressed in the context of a final sampling plan for implementation by the appropriate party or agency, as necessary or appropriate.

ORIGINAL
(Red)

PFE

EPA thanks ATSDR for its review and recommendations and encourages continued interagency coordination in the assessment of potential environmental and public health hazards.

Sincerely,


Stephen D. Jarvela,
On-Scene Coordinator

attachments

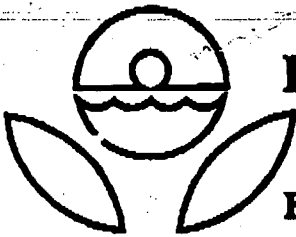
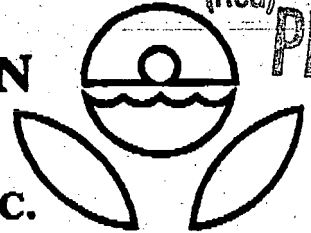
cc: w/attachments

Honorable Robert W. Byrd,
United States Senate

Honorable John D. Rockefeller IV
United States Senate

Honorable Nick J. Rahall II
House of Representatives

Pam Hayes, WV-DEP
Concerned Citizens to Save Fayette County, Inc.
Anna Shaffer
Berwind Corporation
The Johns Hopkins University
Joseph Schock, WV Dept. of Health, w/o attachments

**EMERGENCY RESPONSE DIVISION**
Mail Code (5202-G)**Environmental Protection Agency, Washington, D.C.****FAX TRANSMITTAL SHEET****ERD FAX NUMBERS: (703) 603-9116**
(703) 603-9107**TO:****(Include office phone)****Steve Jarvela****FROM:****(Include office phone)****Tim Grier****COMMENTS:**

A.J. NO SIGNATURE.
But, I think its
final out of the
Region. acc. Consumer

DATE:**12/22****NUMBER OF PAGES, INCLUDING
THIS COVER SHEET:****3**

PFE

Honorable Nick Joe Rahall, II
House of Representatives
Washington, D.C. 20515

Dear Mr. Rahall:

Thank you for your letter of February 8, 1993, regarding your concerns about the management of the Shaffer Electric Site in Minden, West Virginia.

The Environmental Protection Agency (EPA) is encouraged by the report included in your letter from the General Accounting Office (GAO) in which they confirm, by their own independent assessment, that there was no evidence of improper contractor oversight or mismanagement of the Shaffer Site Removal Project.

As to the activity at the Shaffer Site, it is my understanding that upon the resignation from EPA of the original On-Scene Coordinator (OSC) in charge of the site, the Region conducted a review of all projects directed by that OSC during his tenure with EPA. Those reviews, which included a review of the three removal actions at the Shaffer Site, were conducted to determine if the removal actions were performed in accordance with Agency policy and guidance, and that the actions were consistent with the National Contingency Plan (NCP). The reviews were all performed by Region III managers or by the Region's senior staff familiar with Superfund removal requirements. All the reviews confirmed that the actions taken by the original OSC were in accordance with Agency guidance and consistent with the NCP.

The GAO report noted that the Agency official who conducted the review of the original OSC's activities at the Shaffer site "had previously been involved with the Shaffer site as Deputy Project Officer" (DPO). This fact was then reported in local news articles in a manner which does not correctly represent the DPO duties or function within the Agency. The implication made was that the DPO's role was second in command to the OSC; this was not the case. Contrary to the news articles, neither the OSC nor the DPO as co-workers ever supervised the other.

A DPO is a position dedicated to contract management. A DPO works with EPA Project Officers and Contract Officers at the Headquarters office and is tasked with coordinating and resolving contract-related issues as they may arise at various sites within the Region. In this case, the DPO was a Region III position that was part of a National EPA Contract that serviced EPA Regions I-V. A DPO must work with all the OSCs in her/his Region in an

ORIGINAL
(Red)

PFE

effort to resolve any site-specific contract issues that may arise during the performance of the contract's scope of work. A DPO is often asked to review technical documents, but does so solely to ensure compliance with the terms and conditions of the respective contract. A DPO also facilitates the review of invoices by the OSCs and their submittal for prompt payment.

The duties of a DPO would not routinely involve detailed knowledge of site conditions nor management of day-to-day site operations. Furthermore, it is my understanding that the Administrative Record for the Shaffer project clearly documents that the DPO's involvement with the site was limited to contract management. In light of this information, I hope that the concerns of your constituents about the relationship between the former OSC at the Shaffer site and the DPO will be relieved.

The GAO report points out that Region III has not completed its review of the data provided by local citizens. As with any site EPA takes seriously all information provided by the public. While the data provided by the citizens group does not meet EPA's Quality Assurance/Quality Control (QA/QC) standards, these data are being considered. Also, Region III has recently received the Petitioned-Public Health Assessment from the Agency for Toxic Substances and Disease Registry (ATSDR) referred to in the GAO report, which was released for public comment on January 13, 1993. The ATSDR assessment, while still preliminary, is also under review by the Region. EPA will consider taking additional actions at the site as may be warranted by citizens' data and the final ATSDR Health Assessment.

The integrity of this Agency has been built upon its traditional dedication to the protection of public health and the environment. I can assure you that EPA Region III shares fully in that tradition.

I appreciate your concern for the community in Minden, West Virginia, in bringing this important matter to my direct attention. Please be assured that the Agency remains committed to resolve any outstanding issues concerning this project and will provide complete documentation to all interested parties.

Sincerely,

Carol M. Browner

Concurrences								
Symbol	JARVELA	BREGMA	CARNEY	D'ANGE	FERDAS	VOLTAGG	3EA10	3RA00
Surname	SHW30	SHW00	SHW30	3RC31	SHW02	SHW00	WELSH	LASKOWSKI
Date	5/4/93	5/4/93		5/4/93	5/4/93	5/4/93	5/4/93	5/4/93

11.011
TOTAL P.03

Date

ROUTING AND TRANSMITTAL SLIP

1-6-94 (Red)

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. LOUIS RAMALHO (3RC31)

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

STEVE JARVEZA

Phone No.